

Message Text

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ORIGIN EUR-12

INFO OCT-01 ISO-00 SCS-03 L-03 SCA-01 PM-04 NSC-05 SP-02

SS-15 INR-07 CIAE-00 DODE-00 SAM-01 /054 R

DRAFTED BY EUR/CE:JKWARD:DHT

APPROVED BY EUR/CE:LHEICHLER

SCA/SCS:LPMULLIN

L/M:HSHAMWELL

----- 037183

R 161855Z MAR 76

FM SECSTATE WASHDC

TO AMEMBASSY BERLIN

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY ROME

USMISSION USBERLIN

C O N F I D E N T I A L STATE 063470

E.O. 11652: GDS

TAGS: PFOR, CGEN, GE, US

SUBJECT: US-GDR CONSULAR NEGOTIATIONS: RESULTS OF
THIRD ROUND

REF: 050532

SUMMARY: THIRD ROUND OF US-GDR CONSULAR NEGOTIATIONS
CONCLUDED MARCH 9 WITHOUT MOVEMENT ON BASIC-NATIONALITY
QUESTION. EAST GERMANS PROPOSED THAT FURTHER EXCHANGE
OF VIEWS ON THIS POINT SHOULD BE MADE THROUGH DIPLOMATIC
CHANNELS PRIOR TO SCHEDULING A FOURTH NEGOTIATING SESSION.

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A NUMBER OF TECHNICAL POINTS WERE AGREED DURING THE

NEGOTIATIONS, AND THE OVERALL ATMOSPHERE WAS CORDIAL AND BUSINESSLIKE. END SUMMARY.

1. AT THE OUTSET OF THE NEGOTIATIONS, GDR CHIEF NEGOTIATOR KLOBES AGREED TO CONSIDER SERIALLY ALL OPEN ITEMS TABLED IN BERLIN AT THE PRECEDING ROUND. THE NATIONALITY QUESTION WAS THUS ALMOST THE FIRST ITEM TO BE CONSIDERED AND, AFTER BOTH SIDES HAD REITERATED THEIR POSITIONS ON THIS POINT, THEY AGREED TO MOVE ON TO THE OTHER OPEN ITEMS. WITH ONE BRIEF EXCEPTION, NATIONALITY WAS NOT DISCUSSED AGAIN UNTIL THE CONCLUSION OF NEGOTIATIONS. THE GDR TEAM WAS CLEARLY INTERESTED IN MAKING PROGRESS. HENCE IT WAS POSSIBLE TO REACH AN AGREEMENT ON A CONSIDERABLE NUMBER OF PROVISIONS. ALTHOUGH SEVERAL ARTICLES REMAIN OPEN, SUFFICIENT PROGRESS WAS ACHIEVED FOR BOTH SIDES TO BEGIN PREPARATION OF A SINGLE, UNIFIED DRAFT. THE SIDES WILL EXCHANGE THEIR VERSIONS OF THE DRAFT THROUGH DIPLOMATIC CHANNELS AS SOON AS POSSIBLE. THE NEW DRAFT WILL INCLUDE, IN BRACKETS, THOSE ARTICLES AND PROVISIONS WHICH REMAIN OPEN. AFTER THE EXCHANGE OF DRAFTS, QUESTIONS REGARDING A FOURTH ROUND OF NEGOTIATIONS WILL BE HANDLED THROUGH DIPLOMATIC CHANNELS.

2. COMMENT: DURING DISCUSSION ON THE NATIONALITY DEFINITION, KLOBES PROPOSED A SLIGHTLY CHANGED FORMULATION WHICH REFERRED TO "GENERALLY RECOGNIZED PRINCIPLES OF INTERNATIONAL LAW". US SIDE NOTED THIS PROPOSAL BUT DID NOT RESPOND. INTERESTINGLY, KLOBES DID NOT PRESS FOR A RESPONSE TO THIS PROPOSAL AT CONCLUSION OF THE NEGOTIATIONS. IN FACT, HE DID NOT EVEN USE THE WORD "NATIONALITY" IN HIS CONCLUDING REMARKS, BUT REFERRED TO IT AS THE "FUNDAMENTAL ISSUE", IN SUGGESTING AN EXCHANGE OF VIEWS PRIOR TO SCHEDULING A FOURTH ROUND OF TALKS.

3. WHILE THERE WAS NO EXPLICIT INDICATION OF ANY "GIVE" IN THE EAST GERMAN POSITION ON THE NATIONALITY DEFINITION, THEIR INCREASED FLEXIBILITY AND APPARENT EAGERNESS TO REGISTER PROGRESS IN SETTling OTHER ISSUES MIGHT BE A SIGN THAT THEY ARE PREPARING TO DRAW BACK FROM THEIR

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INSISTENCE ON A NATIONALITY DEFINITION. ON THE OTHER HAND, IT MAY BE THEIR STRATEGY TO REACH VIRTUALLY COMPLETE AGREEMENT IN ORDER TO ARGUE THAT ONLY OUR STUBBORN REFUSAL TO INCLUDE A NATIONALITY DEFINITION STILL STANDS IN THE WAY OF SIGNING THE CONSULAR CONVENTION. OF COURSE, WE WOULD BE IN A POSITION TO TAKE THE SAME ARGUMENT AND TURN IT AROUND.

4. DEPARTMENT PLANS TO ADHERE TO POSITION THAT INCLUSION OF DEFINITION OF NATIONALITY, IN WHATEVER FORM, IS NOT ACCEPTABLE.

5. DEPARTMENT WILL FURNISH EMBASSY WITH US VERSION OF UNIFIED DRAFT WHEN THIS IS FINAL FORM.

6. DEPARTMENT HAS BRIEFED REPS FROM BELGIUM, FRENCH, FRG AND ITALIAN EMBASSIES ABOUT PRINCIPAL RESULTED NEGOTIATIONS. WE WILL ALSO BRIEF DUTCH EMBASSY AS SOON AS POSSIBLE. INFO ADDRESSEES SHOULD DRAW UPON ABOVE IN RESPONDING TO INQUIRIES FROM HOST GOVERNMENTS. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NEGOTIATIONS, CONSULAR AGREEMENTS, NATIONALITY
Control Number: n/a
Copy: SINGLE
Draft Date: 16 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE063470
Document Source: CORE
Document Unique ID: 00
Drafter: JKWARD:DHT
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760099-0619
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760355/aaaabwggw.tel
Line Count: 127
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 05 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05 APR 2004 by CollinP0>; APPROVED <28 JUL 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: US-GDR CONSULAR NEGOTIATIONS: RESULTS OF THIRD ROUND
TAGS: PFOR, CGEN, GC, US
To: BERLIN
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006